

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

JAMES IRVING DALE, BRIAN MICHAEL  
HOLZER, MICHAEL EUGENE KOCH,  
DEMETRIUS PETRO COLAITES,  
TREVOR JOHN ERICKSON, GUY  
ALLEN BLESİ, KEVIN CHRISTOPHER  
CRANK, JAMES EDWARD HAYES,  
EDWARD EUGENE DARITY, JOSIA  
JEREMIAH FUERST, ROBERT  
EUGENE BLACKWELL, JEFFERY  
JACOB-DANIEL KLINGHAGEN,  
DENNIS LOUIS STANISH, II,  
UNKNOWN MIKE DURFEE STATE  
PRISON INMATES,

Plaintiffs,

vs.

DENNIS KAEMINGK, SOUTH DAKOTA  
SECRETARY OF CORRECTIONS; IN  
HIS INDIVIDUAL AND OFFICIAL  
CAPACITY; ROBERT DOOLEY,  
WARDEN AT MDSP AND THE  
DIRECTOR OF PRISON OPERATIONS  
FOR THE SOUTH DAKOTA DOC; IN  
HIS INDIVIDUAL AND OFFICIAL  
CAPACITY; JOSHUA KLIMEK, UNIT  
MANAGER AT MDSP; IN HIS  
INDIVIDUAL AND OFFICIAL CAPACITY;  
TAMMY DEJONG, UNIT  
COORDINATOR AT MDSP; IN HER  
INDIVIDUAL AND OFFICIAL CAPACITY;  
SUSAN JACOBS, ASSOCIATE WARDEN  
AT MDSP; IN HER INDIVIDUAL AND  
OFFICIAL CAPACITY; REBECCA  
SCHIEFFER, ASSOCIATE WARDEN  
AND THE ADMINISTRATIVE REMEDY  
COORDINATOR AT MDSP; IN HER

4:15-CV-04103-LLP

ORDER

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INDIVIDUAL AND OFFICIAL CAPACITY; JENNIFER STANWICK, DEPUTY WARDEN AT MDSP; IN HER INDIVIDUAL AND OFFICIAL CAPACITY; MICHAEL DOYLE, CORRECTIONAL OFFICER, WITH THE RANK MAJOR, AT MDSP; IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; JEREMY LARSON, CORRECTIONAL OFFICER, WITH THE RANK SERGEANT, AND THE DISCIPLINARY HEARING OFFICER AT MDSP; IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; COREY TYLER, CORRECTIONAL OFFICER, WITH THE RANK SERGEANT, AT MDSP; IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; MICHAEL MEYER, CORRECTIONAL OFFICER AT MDSP; IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; KELLY TJEERDSMA, CORRECTIONAL OFFICER, WITH THE RANK CORPORAL, AT MDSP; IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY; LORI DROTZMAN, GENERAL EDUCATION DIPLOMA TEACHER, WHO ALSO IS IN CHARGE OF THE LAW LIBRARY AT MDSP; IN HER INDIVIDUAL AND OFFICIAL CAPACITY; MICHAEL JOE HANVEY, PHYSICIANS ASSISTANT AND HEALTH CARE PROVIDER AT MDSP; IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; ANDRA GATES, NURSING SUPERVISOR AND HEALTH CARE PROVIDER AT MDSP; IN HER INDIVIDUAL AND OFFICIAL CAPACITY; KELLY SWANSON, HEALTH SERVICES SUPERVISOR AT MDSP; IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY; STEPHANIE HAMILTON, NURSE AT MDSP; IN HER INDIVIDUAL AND OFFICIAL CAPACITY; MARY CARPENTER, EMPLOYEE OF THE SOUTH DAKOTA DEPARTMENT OF HEALTH AND ASSISTS WITH INMATE

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HEALTH CARE DECISIONS FOR INMATES INCARCERATED AT MDSP; IN HER INDIVIDUAL AND OFFICIAL CAPACITY; BARRY SCHROETER, SUPERVISOR FOR CBM CORRECTIONAL FOOD SERVICES AT MDSP; IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; JENNIFER BENBOON, DIETITIAN EMPLOYED BY CBM CORRECTIONAL FOOD SERVICES; IN HER INDIVIDUAL AND OFFICIAL CAPACITY; CBM CORRECTIONAL FOOD SERVICES, PRIVATE FOR PROFIT COMPANY CONTRACTED BY THE SOUTH DAKOTA DOC TO PROVIDE MEALS TO INMATES INCARCERATED AT MDSP; DELMAR SONNY WALTERS, ATTORNEY AT LAW CONTRACTED BY THE SOUTH DAKOTA DOC TO PROVIDE LEGAL SERVICES TO INMATES INCARCERATED AT MDSP; IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; UNKNOWN DEPARTMENT OF CORRECTIONS EMPLOYEES, CORRECTIONAL OFFICERS EMPLOYED BY THE SOUTH DAKOTA DOC WHO WORK AT MDSP; UNKNOWN DEPARTMENT OF CORRECTIONS HEALTH SERVICES STAFF, HEALTH SERVICES DEPARTMENT STAFF EMPLOYED BY THE SOUTH DAKOTA DOC TO PROVIDE HEALTH CARE FOR INMATES INCARCERATED AT MDSP; AND UNKNOWN CBM CORRECTIONAL FOOD SERVICES EMPLOYEES, EMPLOYEES OF CBM CORRECTIONAL FOOD SERVICES AT MDSP;

Defendants.

Pending before the District Court is Plaintiff James Irving Dale's Motion to Reconsider this court's order dated June 3, 2015 (Doc. 22).

Mr. Dale has now also filed a Motion for Class Action Certification (Doc. 23) and a Motion to Appoint Counsel (Doc. 24). Any such motions are premature until (1) Judge Piersol issues his ruling on the pending motion to reconsider and (2) plaintiffs' complaint is screened as is required by 28 U.S.C. § 1915(e)(2). Accordingly, it is hereby

ORDERED that the Motion for Class Certification (Doc. 23) and Motion to Appoint Counsel (Doc. 24) are denied, without prejudice, as premature.

Mr. Dale may refile these motions in the future *after* Judge Piersol rules on the pending motion for reconsideration and *after* screening of plaintiffs' complaint is conducted pursuant to § 1915(e)(2).

DATED this 23rd day of June, 2015.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Veronica L. Duffy", is written over a horizontal line.

VERONICA L. DUFFY  
United States Magistrate Judge